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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,728	01/11/2002	Thomas R. Haynes	RSW920010154US1	1589

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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

6

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/044,738

Applicant(s)

GARDNER, SLADE H.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-11, and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The following office action is in response to Amendment A, filed February 4, 2004. Claims 1, 11, 13-18 have been amended. Claims 2, 4 and 12 have been canceled.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 8-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinichiro (JP 10207441 A).

As to independent claims 1, 11, 15 and 16, Shinichiro discloses a method in a data processing system for changing a pointer, the method comprising, receiving a user input indicating that a pointing device was moved (abstract, lines 4-6); calculating a rate of movement for the pointing device (abstract, lines 4-6); comparing the rate of movement with a given threshold of speed (abstract, lines 4-7) ; and automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input, wherein a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed (abstract, lines 4-11); and wherein the presentation of the pointer is a series of different changes in presentation based on the rate of movement for the pointing device (abstract lines 4-11)

As to dependent claim 6, limitations of claim 1, and further comprising, wherein the threshold is a measurement of a distance traveled with respect to a time interval for the distance traveled (abstract, lines 4-6).

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As to dependent claim 8, limitations of claim 1, and further comprising, wherein the updating step includes changing the color of the pointer (abstract, lines 8-11).

As to dependent claim 9, limitations of claim 1, and further comprising, wherein the updating step includes changing the shape of the pointer (abstract, lines 8-11).

As to dependent claim 10, limitations of claim 1, and further comprising, wherein the updating step includes changing the size of the pointer (abstract, lines 8-11).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiro (JP 10207441 A).

As to dependent claim 3, limitations of claim 1, and further comprising, wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded (abstract). Shinichiro discloses moving speed, cursor position and changing of distance. Although Shinichiro does not explicitly state other thresholds, it would have been obvious to one of ordinary skill in the art that the system of Shinichiro takes into account the cursor position and changing of distance.

As to dependent claim 5, limitations of claim 1, and further comprising, wherein the pointer returns to its previous appearance when the rate of movement for the pointing device decreases below the given threshold of speed. Although Shinichiro does not state that the pointer

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returns to its previous appearance, it would have been obvious to one of ordinary skill in the art that the pointer returns to the original appearance as in lines 1-2 of the abstract, Shinichiro discloses that the object of the invention is to enable the user to easily view/detect a quick moving cursor.

As to dependent claim 7, limitations of claim 1, and further comprising, wherein the pointing device is one of a mouse, a pointing stick, a touch pad, a joystick, a key on a keyboard, an electronic pen, or a trackball. Although Shinichiro does not disclose where the pointing device is one of a mouse, a pointing stick, a touch pad, a joystick, a key on a keyboard, an electronic pen, or a trackball, it would have been obvious to one of ordinary skill in the art that the pointing device must be one of the above.

5. Claim 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiro (JP 10207441 A) in view of Heath et al (US 4,760,386).

As to independent claims 13, 14, 17 and 18, limitations of claims 1 and 11, and further comprising, wherein the data processing system comprises, a bus system, a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes a set of instructions. Shinichiro does not state where the data processing system comprises a bus system, a communications unit, or a memory. Heath et al disclose a cursor system in Fig. 1, comprising, a bus system (item 2), a communications unit (item 1), a memory connected to the bus (item 6). It would have been obvious to one of ordinary skill in the art to incorporate the processing system of Heath et al into that of Shinichiro as the processing system would be in any type of computer systems with cursor controls.

***Response to Arguments***

6. Applicant's arguments filed February 4, 2004 have been fully considered but they are not persuasive.

Applicant's representative argues where the prior art of record, Shinichiro, fails to teach wherein the presentation of the point is a series of different changes in presentation based on the rate of movement of the pointing device and wherein automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input. Examiner, respectfully, disagrees. Shinichiro discloses in the abstract, "a cursor display controller detects a cursor moving speed over a specified speed threshold value and performs display emphasizing processing for emphasizing a cursor image. This emphasizing processing is carried out by, for example, expanding the display size of the cursor, making a color back ground complimentary color or increasing a luminance difference between the background and the cursor or combination of these." It's clearly interpreted where Shinichiro changes the cursor display depending upon the moving speed over a threshold value. The changes occur after a user input. Applicant's representative also argues where these changes are not shown in a series of changes. In the abstract Shinichiro discloses "or a combination of these" which can be interpreted to be a series of changes. Thus, the above rejection is maintained.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
April 17, 2004

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER